

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

BARBARA LEE, *et al.*,)
Plaintiffs,)
v.) No. 3:15CV357 HEH
VIRGINIA STATE BOARD OF ELECTIONS,)
et al.,)
Defendants.)

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT

Defendants Virginia State Board of Elections; James B. Alcorn, in his capacity as Chairman of the Virginia State Board of Elections; Dr. Clara Belle Wheeler, in her capacity as Vice-Chair of the Virginia State Board of Elections; Singleton B. McAllister, in her capacity as Secretary of the Virginia State Board of Elections; the Virginia Department of Elections; and Edgardo Cortés, in his capacity as Commissioner of the Virginia State Board of Elections (collectively “Defendants”), move pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss the First Amended Complaint filed by plaintiffs Barbara H. Lee, Gonzalo J. Aida Brescia, and the Democratic Party of Virginia (collectively “Plaintiffs”). For the reasons explained in the accompanying Memorandum in Support, this Court lacks subject matter jurisdiction over Plaintiffs’ claims, and Plaintiffs have failed to state a claim upon which relief may be granted.

Defendants hereby request a hearing on their Motion to Dismiss.

DATED: August 28, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the Court's CM/ECF system on August 28, 2015, to the following:

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